OFFICE OF THE INSPECTOR GENERAL

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BUREAU OF AUDITS AND INVESTIGATIONS

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QUARTERLY REPORT
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STATE OF CALIFORNIA

Introduction

Department of Corrections and Rehabilitation to uncover criminal conduct, administrative wrongdoing, poor management practices, waste, fraud, and other abuses. This quarterly report summarizes the audit and investigation activities of the Office of the Inspector General for the period January 1, 2006 through March 31, 2006. The report satisfies the provisions of California Penal Code sections 6129(c)(2) and 6131(c), which require the Inspector General to publish a quarterly summary of investigations completed during the reporting period, including the conduct investigated and any discipline recommended and imposed. To provide a more complete overview of the Inspector General's activities and findings, this report also summarizes audits, special reviews, and warden candidate evaluations conducted by the office during the first quarter of 2006. All of the activities reported were carried out under California Penal Code section 6125 *et seq.*, which assigns the Office of the Inspector General responsibility for independent oversight of the California Department of Corrections and Rehabilitation.

EVALUATION OF WARDEN CANDIDATES

With the enactment of Senate Bill 737, which took effect on July 1, 2005, the Legislature assigned the Inspector General responsibility for evaluating the qualifications of every candidate nominated by the Governor for appointment as a state prison warden and to advise the Governor within 90 days whether the candidate is "exceptionally well qualified," "qualified," "qualified," or "not qualified" for the position. To make the evaluation, California Penal Code section 6126.6 requires the Inspector General to consider, among other factors, the candidate's experience in effectively managing correctional facilities and inmate populations; knowledge of correctional best practices; and ability to deal with employees and the public, inmates, and other interested parties in a fair, effective, and professional manner. Under California Penal Code section 6126.6(e), all communications pertaining to the Inspector General's evaluation of warden candidates are confidential and absolutely privileged from disclosure.

During the first quarter of 2006, the Office of the Inspector General evaluated the qualifications of one candidate for warden and reported the results of the evaluation to the Governor in confidence.

SUMMARY OF AUDIT AND REVIEW ACTIVITIES

The Office of the Inspector General completed one audit during the first quarter of 2006. The audit is summarized below.

Special Review into Housing of Maximum Custody Inmates in Reception Centers. In March 2006, the Office of the Inspector General issued a 25-page special review of the improper placement of maximum custody inmates into general population housing at state prison reception centers. The review grew out of an earlier review by the Office of the Inspector General into the circumstances surrounding the January 10, 2005 fatal stabbing of Correctional Officer Manuel A. Gonzalez, Jr. by an inmate at the California Institution for Men reception center. That review, which was issued in March 2005, determined that the accused assailant was a maximum custody inmate who, despite a long history of in-prison violence, had been placed in a general population cell instead of in segregated housing. As a result of the review, the Office of the Inspector General recommended that inmates who return to prison after paroling from administrative segregation or a security housing unit—and who are thereby designated maximum custody inmates — be automatically placed in administrative segregation when they arrive at reception centers until they can be further evaluated. The Department of Corrections and Rehabilitation subsequently took steps to implement the Inspector General's recommendation, mandating that effective August 1, 2005, reception centers place returning inmates who paroled from security housing units or other segregated housing into administrative segregation.

Despite the newly mandated procedures, the Office of the Inspector General found in August 2005 that maximum custody inmates were still being housed in the general population at the California Institution for Men reception center. As a result of that finding, the Office of the Inspector General conducted a special review to determine

whether the state's other prison reception centers were placing maximum custody inmates in general population housing. That review, reported in March 2006, identified 66 maximum custody inmates at a sample of reception centers throughout the state who should have been assigned to administrative segregation under the new procedures, but instead were housed with general population inmates. The six reception centers covered in the review together serve 52 of the state's 58 counties and in 2004 received 125,422 male inmates — 79 percent of the state's incoming male inmate population. The review used a Department of Corrections and Rehabilitation database download to create a snapshot-in-time of inmate housing assignments as of 4 p.m. on October 14, 2005. Of the six reception centers covered in the review, only the Richard J. Donovan Correctional Facility reception center had no maximum custody inmates improperly assigned to the general population. That institution had succeeded by instituting additional procedures to supplement those mandated by the department.

In the course of the review, the Office of the Inspector General identified examples of four maximum custody inmates improperly assigned to general population housing units who had been involved in violent incidents in the relatively short time they had been at the reception centers. Two of the four inmates had attacked correctional officers and one had attempted to murder another inmate in a violent stabbing attack.

The special review also found that other inmates who could be safely placed in the general population were needlessly kept in administrative segregation at reception centers at a cost of more than \$12,000 more a year over the cost of placing the same inmate into a general population cell. Those affected were inmates who had been placed in administration segregation during an earlier prison term not because they were dangerous but because they were threatened by other inmates as the result of a gang affiliation, drug debt, or other situation at that particular prison. Such restriction may no longer be necessary when the inmates returned to the prison system unless the same or similar conditions exist at the new institution.

As a result of the special review, the Office of the Inspector General issued 13 recommendations to the Department of Corrections and Rehabilitation. Key recommendations included developing procedures for all reception centers similar to those used by the Richard J. Donovan Correctional Facility and changing the coding in the department's Distributed Data Processing System to clearly identify inmates who need, or do not need, administrative segregation if they return to custody after paroling.

The full text of the special review on improperly housed maximum custody inmates can be viewed by clicking on the following link to the Inspector General's website: http://www.oig.ca.gov/reports/pdf/Improper_Housing.pdf

SUMMARY OF INVESTIGATIONS

The Office of the Inspector General receives about 300 complaints a month concerning the state correctional system. Most of the complaints arrive by mail or through the Inspector General's 24-hour toll-free telephone line. Others are brought to the attention of the Office of the Inspector General in the course of audits or related investigations. The Office of the Inspector General may also conduct investigations at the request of

department officials in cases involving potential conflicts of interest or misconduct by high-level administrators.

The Inspector General's staff responds to each of the complaints and requests for investigation, with those involving urgent health and safety issues receiving priority attention. Most often the Inspector General's staff is able to resolve the complaints at a preliminary stage through informal inquiry by contacting the complainant and the institution or division involved and either establishing that the complaint is unwarranted or bringing about an informal remedy. Depending on the circumstances, the Office of the Inspector General may refer the case to the Department of Corrections and Rehabilitation's Office of Internal Affairs for investigation. Other complaints require further inquiry or investigation by the Office of the Inspector General.

During the first quarter of 2006, the Office of the Inspector General completed six such investigations. Those cases are summarized in the table that follows. Cases referred to the Office of Internal Affairs are subject to monitoring by the Office of the Inspector General's Bureau of Independent Review. Such cases are not included in the quarterly report until the Office of Internal Affairs investigation is complete. The Bureau of Independent Review reports its monitoring activities semi-annually in a separate report.

Investigation	Result	Status
California Institution for Men. The Office of the Inspector General investigated an inmate's allegation that he had been inappropriately charged with battery on a peace officer. The inmate asserted that a correctional officer falsely accused him of battery in retaliation for the inmate's involvement in an inmate advisory council.	The Office of the Inspector General reviewed the incident report, appeals, and court documents related to the alleged battery. Although the inmate claimed that he had not touched the correctional officer during the incident, the incident report reflected that the correctional officer sustained documented injuries. Furthermore, the inmate subsequently pled guilty to assault on a peace officer. As a result, the inmate's allegations were not substantiated.	The Office of the Inspector General has closed this investigation.
Office of Internal Affairs. The Office of the Inspector General received a request from the Office of Internal Affairs to investigate allegations that a special agent used a state-owned vehicle for purposes other than for state business, authorized an investigation of a state employee based on an anonymous telephone call he knew was fabricated, used marijuana, and threatened his wife with violence.	The Office of the Inspector General conducted numerous interviews, contacted the Sacramento County Sheriff's Department, and reviewed monthly travel logs for the agent's state-owned vehicle. Based on this investigation, the Office of the Inspector General found insufficient evidence to support the allegations.	The Office of the Inspector General has closed this investigation.
Law Enforcement and Investigations Unit. The Office of the Inspector General received an anonymous complaint alleging that sustained State Personnel Board adverse actions against two staff members was rescinded by a manager in the Law Enforcement and Investigations Unit. The complaint further alleged that the rescission represented an abuse of power by the unit management.	The Office of the Inspector General reviewed the personnel files and legal files pertaining to the Law Enforcement and Investigations Unit staff members whose adverse actions were rescinded. Upon further review, the Office of the Inspector General determined the adverse actions were not sustained by the State Personnel Board. Rather, the adverse actions were withdrawn by the department based on the department's failure to serve the adverse actions within the one-year time limit required by law. The Office of the Inspector General also found no evidence to support the allegation that unit	The Office of the Inspector General has closed this investigation.

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Investigation	Result	Status
	managers abused their power, as they were not involved with the adverse actions and did not rescind them.	
California Men's Colony. A mental health employee at the California Men's Colony alleged retaliation and misconduct by his supervisors as a result of prior allegations by the employee that the supervisor worked a second job during business hours. The complainant claimed that his immediate supervisor continues to subject him to a demeaning and hostile work environment. The complainant further claimed that another manager permitted the alleged misconduct to occur and was engaging in a "code of silence" by failing to act.	The Office of the Inspector General discovered that the complainant had also reported the same issues to several levels of administration within the Department of Corrections and Rehabilitation in addition to several outside agencies. The reports and other documents produced by those entities consistently concluded that there was no evidence of misconduct by the supervisor in question and that the behavior identified by the complainant as retaliatory was not improper. Site visits to the institution and interviews conducted by the Office of the Inspector General further corroborated these conclusions.	The Office of the Inspector General has closed this investigation.
California Department of Corrections and Rehabilitation. The Office of the Inspector General received correspondence from a retired senior manager alleging numerous instances of misconduct within the Department of Corrections and Rehabilitation. Specific allegations included favoritism, falsification of reports, retaliation, and use-of-force policy violations. The Office of the Inspector General also received a referral of similar allegations from the U. S. District Court special master after the former employee sent the same allegations to the court.	The Office of the Inspector General reviewed documentation provided by the complainant and conducted an extensive interview with him to evaluate the allegations. The Office of the Inspector General then collected and reviewed additional records, made inquiries, and conducted a second interview with the complainant. These procedures did not produce sufficient evidence to warrant further inquiry or action.	The Office of the Inspector General has closed this investigation.
Deuel Vocational Institution. The Office of the Inspector General initiated an investigation into the alleged suicide of an inmate pursuant to	The Office of the Inspector General conducted an investigation that included a site visit to the institution; a review of documents, including a	The Office of the Inspector General has closed this investigation.

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Investigation	Result	Status
an allegation from the inmate's brother through the office of a California legislator that the markings on the inmate's body were not consistent with the suicide ruling.	report of the institution's inquiry into the matter; an inspection of the evidence, including the sheet used for the hanging and the suicide note; and interviews with institution staff and the inmate's family. The investigation revealed no evidence suggesting that correctional staff engaged in misconduct or negligence associated with this incident.	